APPENDIX

Section 117 of the Criminal Code (18 U. S. C. 207) provides:

> Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof; or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

Section 37 of the Criminal Code (18 U. S. C. 88) provides:

> If two or more persons conspire either to commit any offense against the United

States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than $10,000, or imprisoned not more than two years, or both.

The Selective Training and Service Act of 1940 (54 Stat. 885, 50 U. S. C. Appendix 301–318) provided in part, as follows:

SEC. 10 (a). The President is authorized—* * *

(2) to create and establish a Selective Service System, and shall provide for the classification of registrants and of persons who volunteer for induction under this Act on the basis of availability for training and service, and shall establish within the Selective Service System civilian local boards and such other civilian agencies, including appeal boards and agencies of appeal, as may be necessary to carry out the provisions of this Act. There shall be created one or more local boards in each county or political subdivision corresponding thereto of each State, Territory, and the District of Columbia. Each local board shall consist of three or more members to be appointed by the President, from recommendations made by the respective Governors or comparable executive officials. No member of any such local board shall be a member of the land or naval forces of the United States, but each member of any such local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction under rules and regulations prescribed by

the President. Such local boards, under rules and regulations prescribed by the President, shall have power within their respective jurisdictions to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this Act of all individuals within the jurisdiction of such local boards. The decisions of such local boards shall be final except where an appeal is authorized in accordance with such rules and regulations as the President may prescribe. Appeal boards and agencies of appeal within the Selective Service System shall be composed of civilians who are citizens of the United States. No person who is an officer, member, agent, or employee of the Selective Service System, or of any such local or appeal board or other agency, shall be excepted from registration, or deferred from training and service, as provided for in this Act, by reason of his status as such officer, member, agent, or employee;

* * * * *

The Selective Service Regulations provided in pertinent part:

LOCAL BOARDS

* * * * *

603.54 *Jurisdiction.* The jurisdiction of each local board shall extend to all persons registered in, or subject to registration in, the area for which it was appointed and to all persons whose Registration Cards (Form 1) are duly transferred to it. It shall have full authority to do and perform all acts authorized by the selective service law.

* * * * *

GOVERNMENT APPEAL AGENTS

603.71 *Appointment and duties.* (a) For each local board, a government appeal agent shall be appointed by the President, upon recommendation of the Governor. The duties of the person so designated are: To appeal from any classification by a local board which, in his opinion, should be reviewed by the board of appeal; to care for the interests of ignorant registrants and their dependents with respect to appeals and, where the decision of the local board is against the interests of such persons and where it appears that such persons may not take appeals, due to their own nonculpable ignorance, to inform them of their rights and assist them to enter appeals to the board of appeal; and, after classification, to investigate and report upon matters which are submitted for his investigation by the local board. It shall also be the duty of such government appeal agent, where the interests of justice may require, to suggest to the local board a reopening of any case and to impart to the local board any information which in his opinion ought to be investigated. The government appeal agent should expedite the examination of the records of registrants as soon as they have been classified by the local board in order that appeals to the board of appeal, where found necessary, may be filed within the time limit specified in the regulations.

* * * * *

REGISTRATION CERTIFICATES

617.1 *Effect of failure to have Registration Certificate in personal possession.* Every person required to present himself

for and submit to registration must have a Registration Certificate (Form 2) in his personal possession at all times and, upon request, must exhibit it to any law-enforcement officer, any representative of the Secretary of State, any representative of the Secretary of the Treasury, any representative of the Attorney General, any official of National Headquarters for Selective Service, any official of a State Headquarters for Selective Service, any member of a local board or board of appeal, any government appeal agent, and any other official designated by the Director of Selective Service. The failure of any such person to have such Registration Certificate (Form 2) in his personal possession shall be prima facie evidence of his failure to register. Such person upon becoming a member of the armed forces shall surrender such Registration Certificate (Form 2) to his commanding officer who will dispose of it in accordance with the current orders of his service.

* * * * *

CLASSIFICATION

* * * * *

622.15 * * *

(a) In Class I–C shall be placed every registrant who is, or who by induction, enlistment, or appointment becomes, a commissioned officer, warrant officer, field clerk, pay clerk, or enlisted man of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Federally recognized active National Guard, the Officers' Reserve Corps, the Army of the United States, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, or the Coast Guard Reserve

(other than temporary); or a cadet of the United States Military Academy; or a midshipman of the United States Naval Academy; or a cadet of the United States Coast Guard Academy; or a man who has been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as a cadet, or the United States Naval Academy as a midshipman, or to the United States Coast Guard Academy as a cadet, but only during the continuance of such acceptance.

(b) A registrant who enlists or is inducted into the land or naval forces, other than by volunteering under the Selective Training and Service Act of 1940, as amended, and being inducted through a local board, shall be classified in Class I–C when the local board receives authentic information that such registrant is in the land or naval forces. No Selective Service Questionnaire (Form 40) shall be mailed to such registrant. No credit shall be given for such registrant until the Director of Selective Service receives, from the land or naval forces, a Home Address Report (Form 166), covering such registrant.

Local Board Memorandum No. 80, issued to all local boards January 10, 1942 by the Director of Selective Service, provided in part [Italics added]:

> Previous War Department policy with regard to the separation from active military service of inducted and enlisted men has been amended and new instructions issued under War Department Circular No. 270, provide as follows:
>
> * * * * *

The Selective Service System will be consulted on claims of Dependency, Erroneous Induction, or Importance to National Health, Safety, or Interest.

DEPENDENCY—PROCEDURE FOR SEPARATION

a. Requests for release on account of dependency will be granted only where the evidence submitted clearly indicates that the release of the soldier is necessary to prevent or relieve destitution.

b. Such separation will be made only after the inducted man files a written request with his commanding officer. After investigation by the Red Cross, the commanding officer will make proper disposition of the request for discharge. Local boards will continue to cooperate with representatives of the Red Cross by furnishing such pertinent information as may be available. The recommendation of the local board is desired, but no additional investigation will be made.

c. If such inducted man is separated from active military service by reason of dependency, such separation will be made by transfer to the Enlisted Reserve, and the local board will retain such man in class I–C.

ERRONEOUS INDUCTION—PROCEDURE FOR SEPARATION

a. Erroneous induction shall mean any instance in which the inducted man claims that, in the procedure leading up to his induction, he was denied some legal right, which fact, if established, would render the induction illegal.

b. Such separation will be made only after the inducted man files a written request with his commanding officer, who

will forward the request to The Adjutant General. *When the request is received by The Director of Selective Service from The Adjutant General, it will be referred to the proper local board for report and recommendation. When completed, the report and recommendation will be forwarded to The Director of Selective Service by the State Director, whose recommendation will also be included.*

c. If such inducted man is discharged from active military service by reason of erroneous induction, the separation will be accomplished in such a manner that the man will assume a status as though he had not been inducted, and the local board will then proceed with the classification of such man as it would in the case of any other registrant.

IMPORTANCE TO NATIONAL HEALTH, SAFETY, OR INTEREST—PROCEDURE FOR SEPARATION

a. An inducted man may be separated from active military service by reason of his being necessary to the maintenance of national health, safety, or interest. (In effect this is a claim that the inducted man meets the requirements of Class II–A.)

b. Such separation will be made only after the inducted man files a written request with his commanding officer, who will forward the request to The Adjutant General. *When the request is received by The Director of Selective Service from The Adjutant General, it will be referred to the proper local board for report and recommendation. When completed, the report*

and recommendation will be forwarded to The Director of Selective Service by the State Director, whose recommendation will also be included.

c. If such inducted man is separated from active military service by reason of being necessary to the maintenance of the national health, safety, or interest, such separation will be made by transfer to the Enlisted Reserve, and the local board will retain such man in Class I–C.

RECONSIDERATION OF CLASSIFICATION—PROCEDURE FOR SEPARATION

a. In addition to the reasons for separation listed in War Department Circular No. 270, a man may be separated from active service by reason of Reconsideration of Classification, upon the recommendation of the local board.

b. Reconsideration of Classification as a reason for separation shall refer to any instance in which the inducted man claims that in the process of classification prior to his induction he was placed in an incorrect classification by the local board upon consideration of information inadequate or erroneous in whole or in part.

c. Such separation will be made only after the inducted man files a written request with his commanding officer, who will forward the request to The Adjutant General. Such separation will be accomplished only upon the recommendation of The Director of Selective Service. *When the request is received by The Director of Selective Service from The Adjutant General, it will be referred to the proper local board for report and recommendation. The local board will then consider anew the classification of the*

registrant in light of information now in its possession and will forward the report and recommendation to The Director of Selective Service by the State Director, whose recommendation will also be included.

d. If such inducted man is separated from active military service by reason of reconsideration of classification, such separation will be made by transfer to the Enlisted Reserve, and the local board will retain such man in Class I–C.

Local boards should keep in close touch with men transferred to the Enlisted Reserve, and in the event of a change of status which would make them eligible for active duty, recommendation for order to active military service should be made to the Corps Area Commander through the State Director.

After a man has been inducted into military service he passes into military control and questions concerning his retention in or separation from active service are responsibilities of the War Department. *All final determinations must be made by the military authorities and it is the expressed intention and desire of the War Department that such determinations be made in accordance with the facts presented and in the best interests of all concerned. It is the function of all elements of Selective Service, when called upon through proper channels, to assist the War Department with information and recommendation consistent with the facts.*

Memorandum to all State Directors No. 1–415, dated April 17, 1942, from National Headquarters Selective Service System, reads in part as follows, concerning furloughs:

SUBJECT: FURLOUGHS (IV)

1. The War Department has issued instructions to Corps Area Commanders liberalizing the policy under which furloughs may be granted to inductees. Furloughs will ordinarily be granted for a period of not to exceed ten days and will begin not later than five days after induction. When the soldier lives at a great distance from the reception center, furloughs up to fifteen days may be granted. If more than a day's travel is required, the Induction Officer will be authorized to grant furloughs at the induction station.

2. It is recommended that you immediately get in touch with Corps Area representatives to arrange necessary details. In areas where the distance involved or the transportation facilities make such action advisable, particular attention should be given to arrangements which will permit the furlough of registrants by Induction Station Commanders.

* * * * *

5. Local boards will be directed to atttach to the delivery list the names of those selectees for whom furloughs are recommended. Furloughs will invariably be granted if recommended by the local board.

6. State Directors will make every effort to insure full cooperation with induction stations and Reception Center Commanders. A report of the arrangements in effect in each State, together with copies of all directives to local boards, will be forwarded to National Headquarters.

Memorandum to all State Directors No. 1–423, dated May 18, 1942, from National Headquarters Selective Service System to all state directors, reads in part as follows:

SUBJECT: RELEASE FROM ACTIVE SERVICE FOR FOURTEEN DAYS IMMEDIATELY FOLLOWING INDUCTION (IV)

1. The present policy of granting furloughs to inducted men will be discontinued on June 15, 1942, or as soon thereafter as arrangements can be made by conference with the State Director and the Corps Area Commander. The new procedure will provide that every inducted man will be released from active service at the induction station for a period of approximately fourteen days, unless he prefers to proceed directly to the Reception Center. This will be accomplished by transferring the inducted man to the Enlisted Reserve Corps immediately following his induction and issuing orders recalling him to active service at the end of the fourteen-day period. The Army will furnish transportation, meals and lodging of such reservists en route to the city in which the local board is located and from that point to the Reception Center.

* * * * *

5. Local boards are not responsible for the return of reservists to the Reception Center, since they are under the jurisdiction of the appropriate Corps Area Commander and are individually responsible for compliance with the orders issued. If, however, a reservist is unable to comply with his orders due to sickness or unavoidable reasons, the chairman of the local board will include this information in the telegram to the Reception Center Commander. In such cases, if the reservist reports to the local board at a later date he will be forwarded to the Reception Center on a transportation request issued by the local

board, quoting the Procurement Authority noted on the reservist's order.

6. Many of the disadvantages of the furlough system will be eliminated in this new procedure. Every man who wishes to return to his home will be given the opportunity to do so without being required to establish his reasons for returning. Investigation and recommendation by the local board is no longer necessary. Reservists are released from active service at the induction station instead of the Reception Center. They travel at Government expense in local board groups under an appointed leader. Farewell ceremonies may be arranged at the time the group departs for the Reception Center, since all of the men in such groups have been accepted for military service and ordered to active duty. None will be faced with the embarrassment of returning home following such ceremonies.

State Director Advice No. 204 issued May 8, 1943, by the Director of Selective Service provided in part:

1. Following is an excerpt from a memorandum which has been dispatched by the Adjutant General to the commanding general of each service command:

1. * * * the provisions * * * reducing the normal period between induction and reporting at a reception center from fourteen (14) days to seven (7) days is revoked.

2. At your convenience, but prior to July 1, 1943, the period in the Enlisted Reserve Corps will be extended to fourteen (14) days and prior to September 1, 1943, this period will be extended to twenty-one (21)

days. These changes as directed will, after conference with State Directors of Selective Service, be accomplished gradually and in such maner as to cause the minimum interference with current processing schedules.

3. The length of the period in the Enlisted Reserve Corps directed on any single day at any specific induction station will be the same and must be either seven (7), fourteen (14), or twenty-one (21) days. There is no objection to certain induction stations within a service command authorizing a seven-day period in the Enlisted Reserve Corps and other stations on the same day authorizing fourteen or twenty-one days.

4. Nothing in this directive is to be construed as revoking the authority of the commanding generals of service commands to extend the period in the Enlisted Reserve Corps in certain individual cases when such extension is necessary to prevent extreme hardship. The recommendations of the State Directors in such cases will be given maximum consideration.

5. The War Department recognizes the desirability of commanding general of service commands authorizing pre-examination of specific individual registrants when so requested by the State Directors of Selective Service when facilities for such examinations are available.

* * * * *

U. S. GOVERNMENT PRINTING OFFICE: 1944